

Message Text

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16

ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 FAA-00 L-03 SS-15 NSC-05 H-02

(ISO) W

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R 291626Z AUG 75

FM AMEMBASSY LIMA

TO SECSTATE WASHDC 6563

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EO 11652: NA

TAGS: EAIR, PE

SUBJ: CIVAIR - BRANIFF'S PERUVIAN OPERATING PERMIT

REF: STATE 201999

1. A/DCM DISCUSSED REFTEL WITH DGTA BERCKEMEYER AND DGTA LEGAL ADVISOR LEON DE VIVERO. THEY SAID THAT DISCREPANCIES NOTED BY THE DEPARTMENT ARE INADVERTENT AND OF NO SIGNIFICANCE AND IN NO WAY MODIFY THE UNDERSTANDING EMBODIED IN THE CIVIL AIR AGREEMENT. THEY SAID THEY WOULD PREFER NOT TO AMEND THE OPERATING PERMIT SINCE THIS WOULD REQUIRE ANOTHER SUPREME RESOLUTION WHICH WOULD HAVE TO BE SIGNED BY THE TRANSPORT MINISTER AND THE PRESIDENT. THEY SAID THAT, IN ANY CASE, ALL THESE DISCREPANCIES HAVE BEEN CORRECTED IN THE "DIRECTORAL RESOLUTION" WHICH AUTHORIZES BRANIFF'S SCHEDULE (COPIES BEING POUCHED).

2. WITH RESPECT TO ARTICLE 7, THEY SAID ITS EFFECT IS NOT THAT UNDERSTOOD BY DEPARTMENT. IN ESSENCE, ARTICLE 7 IS DESIGNED TO ACHIEVE NO MORE THAN "TRUTH IN ADVERTISING." IN OTHER WORDS, ARTICLE 7 WOULD PREVENT BRANIFF FROM ADVERTISING "LIMA TO PARIS", BUT IT WOULD NOT PREVENT IT FROM ADVERTISING "LIMA TO PARIS VIA CONNECTION IN NEW YORK". SIMILARLY, AEROPERU WOULD NOT EXPECT TO ADVERTISE "BUENOS

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AIRES TO NEW YORK" BUT WOULD ADVERTISE "BUENOS AIRES TO

NEW YORK VIA LIMA." DGTA SAID PERU WOULD NOT OBJECT TO INCLUSION
OF PROVISION SIMILAR TO ARTICLE 7 IN OPERATING PERMIT ISSUED
TO AEROPERU, BUT WOULD EXPECT IT TO HAVE THE SAME FORCE AND
EFFECT. DGTA SAID ARTICLE 7 ALNGUAGE IS STANDARD FOR ALL
OPERATING PERMITS ISSUED BY THE GOP. HE POINTED OUT THAT
THE LUFTHANSA PERMIT IS AN OLD ONE, AND THAT WHEN A NEW
PERMIT IS ISSUED IT WILL CONTAIN ARTICLE 7 LANGUAGE.
DEAN

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Message Attributes

Automatic Decaptioning: X
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Draft Date: 29 AUG 1975
Decaption Date: 01 JAN 1960
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Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
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Margaret P. Grafeld
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